

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No.78772

Robert Lipscomb

909 Homberg Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 4, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-7-310, 312; 35-5-302; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 1B01.1D, 428, 415A, failure to repair/replace missing siding, failure to cease outside storage of untagged inoperative vehicles, failure to properly tag boat on trailer, failure to cease open dump on residential property zoned DR 5.5 known as 909 Homberg Avenue, 21221.

On July 7, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$27,200.00 (twenty seven thousand two hundred dollars).

The following persons appeared for the Hearing and testified: Bob Lipscomb, Respondent and Christina Frink, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on June 2, 2010 for removal of untagged/inoperative motor vehicles, remove open dump/junk yard, remove commercial vehicle, license or remove untagged recreation vehicle, remove trash and debris, repair exterior structure, repair/replace missing siding. This Citation was issued on July 7, 2010.

B. Inspector Christina Frink testified that inspections found siding missing from the house, a boat on a trailer with no tag, two untagged vehicles, and junk, trash and debris on this residential property. Re-inspection on August 3, 2010 found two untagged vehicles have been removed, but the siding is not fixed and the truck and trailer are still untagged. She further testified that some junk has been cleaned up but minor debris remains.

C. Respondent Robert Lipscomb testified that he has been out of work from the Broening Highway plant closure but he has removed one car and is working on the other issues. He testified that he can get the siding repaired and the truck and trailer tagged within two months.

D. Photographs in the file show a pickup truck with no license plate. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on the vehicle and make it operable, or remove it from the property.

E. Photographs show a small boat on a trailer, with no license plate on the trailer. This recreational trailer and boat can be stored outside in certain locations on a residential lot, but the trailer must have a current license. BCZR Section 415A.1.

F. Photographs show that approximately five rows of vinyl siding just below the roof on the side of the house are missing or damaged. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all “[e]xposed surfaces of metal or wood in good repair, in a structurally sound condition, and protected against decay, rust, peeling, or flaking.” BCC Section 35-5-302. The missing and damaged siding must be repaired and replaced, to protect the house from the weather.

G. Because compliance is the goal of code enforcement, and Respondent has made progress in correcting the violations, the civil penalty will be rescinded if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by October 25, 2010, with the truck and trailer either tagged or removed, and the siding repaired on the house.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 12<sup>th</sup> day of August 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.